

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-19 are pending in the application, with claims 1 and 13 being the independent claims. Claims 6 and 14 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claims 1, 13, and 17-19 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1, 2, 5, 6, and 10

In paragraph 3 of the Office Action, claims 1, 2, 5, 6, and 10 were rejected as being unpatentable over U.S. Patent No. 5,937,162 to Funk et al. (hereinafter Funk). Applicants respectfully traverse this rejection.

Claim 1, as amended, recites:

A method for conducting an email campaign, comprising the steps of:

- (1) receiving an email target database;
- (2) generating an email campaign template related to at least one email target in the received email target database, wherein step (2) comprises the steps of:
 - (a) generating a message template, and
 - (b) *generating a configuration file to contain data related to each of the at least one email target*, wherein the data is insertable in the generated message template;
- (3) sending to each of the at least one email target a corresponding custom email, wherein the custom email is formed from the email campaign template; and

(4) tracking the custom email sent to each of the at least one email target.

(See claim 1, emphasis added).

The Office Action does not set forth a prima facie case of obviousness for at least the reason that Funk does not teach each and every element of the claimed invention. In fact, Funk teaches away from the claimed embodiments of the claimed invention. For example, Funk teaches away from "*generating a configuration file to contain data related to each of the at least one email target*".

Funk describes a high volume e-mail "newspaper" delivery system which contains, for each customer, a personal configuration file containing the information resources that the customer would like e-mailed to his desktop. (See Funk, abstract).

The Office Action relies on col. 9, lines 30-35 of Funk to allegedly teach the steps of (a) generating a message form; and (b) generating a configuration file to contain data related to each of the at least one e-mail target.... However, the cited art states, "for each customer of the system, a personal configuration file is created containing the information resources that the end-user would like e-mailed to his desktop." (See Funk, col. 9, lines 30-35). Creating a personal configuration file for each customer of the system is not the same as, and in fact teaches away from, *generating a configuration file to contain data related to each of the at least one email target*, as set forth in independent claim 1, as amended.

Claims 2, 5, and 10, which depend from independent claim 1, thus also distinguish over Funk for reasons similar to those set forth above with respect to independent claim 1, as amended, and further in view of their own features. Claim 6 has been canceled.

Claims 3 and 4

In paragraph 4 of the Office Action, claims 3 and 4 were rejected as being unpatentable over Funk in view of U.S. Patent No. 5,966,695 to Melchione et al. (hereinafter Melchione). Applicants respectfully traverse this rejection.

Claims 3 and 4, which depend from independent claim 1, also distinguish over Funk for reasons similar to those set forth above with respect to independent claim 1, as amended, and further in view of their own features. Applicants assert that Melchione does not supply the teachings missing from Funk.

Thus, claims 3 and 4 are patentable over Funk and Melchione, alone or in combination. Applicants therefore respectfully request that these rejections be reconsidered and withdrawn.

Claims 7-9

In paragraph 5 of the Office Action, claims 7-9 were rejected as being unpatentable over Funk in view of U.S. Patent No. 6,360,254 to Linden et al. (hereinafter Linden). Applicants respectfully traverse this rejection.

Claims 7-9, which depend from independent claim 1, also distinguish over Funk for reasons similar to those set forth above with respect to independent claim 1, as amended, and further in view of their own features. Applicants assert that Linden does not supply the teachings missing from Funk.

Thus, claims 7-9 are patentable over Funk and Linden, alone or in combination. Applicants therefore respectfully request that these rejections be reconsidered and withdrawn.

Claims 11-16

In paragraph 6 of the Office Action, claims 11-16 were rejected as being unpatentable over Funk in view of U.S. Patent No. 6,377,936 to Henrick et al. (hereinafter Henrick). Applicants respectfully traverse this rejection.

Independent claim 13, as amended, recites:

A system for generating and tracking an email campaign, comprising:
 an email campaign generator that generates an email campaign template from an email target database, wherein said email target database comprises a plurality of email targets;
 an email campaign engine that generates a custom email corresponding to each of said plurality of email targets, wherein said custom email is formed from said email campaign template, wherein said email campaign engine sends said custom email to each of said plurality of email targets; and
 a campaign tracker that receives a response corresponding to said sent custom email, and wherein said campaign tracker creates a campaign tracking list that includes said received response;
 wherein said email campaign template comprises
 a text message, and
 a configuration file that includes data from said email target database corresponding to each of said plurality of email targets.

(See claim 13, emphasis added).

Independent claim 13 also distinguishes over Funk for reasons similar to those set forth above with respect to independent claim 1, as amended, and further in view of their own features. Applicants assert that Henrick does not supply the teachings missing from Funk.

Claims 11 and 12, which depend from amended independent claim 1, and claims 14-16, which depend from amended independent claim 13, also distinguish over Funk and Henrick, alone or in combination, for reasons similar to those set forth above with respect to amended independent claims 1 and 13, and further in view of their own features.

Thus, claims 11-16 are patentable over Funk and Henrick, alone or in combination. Applicants therefore respectfully request that these rejections be reconsidered and withdrawn.

Claims 17-19

In paragraph 7 of the Office Action, claims 17-19 were rejected as being unpatentable over Funk in view of Henrick and further in view of Linden. Applicants respectfully traverse this rejection.

Claims 17-19, which depend from independent claim 13, also distinguish over Funk and Henrick, alone or in combination, for reasons similar to those set forth above with respect to independent claim 13, as amended, and further in view of their own features. Applicants assert that Linden does not supply the missing teachings.

Thus, claims 17-19 are patentable over Funk, Henrick, and Linden, alone or in combination. Applicants therefore respectfully request that these rejections be reconsidered and withdrawn.

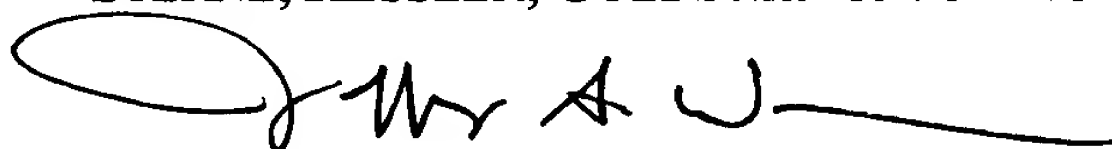
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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